



Serial No. 10/046,726  
Attorney Docket No. 53394.000607

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Douglas R. FREDERISY ) Examiner: Ghassem ALIE  
Serial No.: 10/046,726 ) Group Art No.: 3724  
Filed: January 17, 2002 )

For: APPARATUS AND METHOD FOR ASSEMBLING GARMENTS

**RESPONSE TO ELECTION/RESTRICTION REQUIREMENT  
AND TRAVERSE THEREOF**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**Election**

An Office action was issued in the above-referenced application on May 30, 2003 ("Office action"). The Office action included a requirement for election between the following allegedly patentably distinct species:

- |                    |              |
|--------------------|--------------|
| I. Figs. 1 and 2   | VII. Fig. 8  |
| II. Figs. 1 and 3  | VIII. Fig. 9 |
| III. Figs. 1 and 4 | IX. Fig. 10  |
| IV. Fig. 5         | X. Fig. 11   |
| V. Fig. 6          | XI. Fig. 12  |
| VI. Fig. 7         | XII. Fig. 13 |

The Office Action further alleges that no claim is generic. Applicant hereby elects, with traverse, Species VI (Fig. 7) and claims 22, 24, 25, 26 and 29 reading thereon.

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**Traverse**

Applicants hereby traverse the Election Requirement on the grounds that the application currently contains a number of generic claims linking the species identified by the Examiner, and thereby making restriction between these species improper. *See* M.P.E.P. § 809.03.

The application currently contains generic claims that each cover more than one of the species identified by the Examiner. Specifically, claim 1 is directed towards an air applicator, but does not specify whether the applicator is an internal air applicator (one having a closed passage for the items being conveyed) or an external air applicator (one having an open passage for the items being conveyed) — as such, claim 1 covers the species of Figures 1-4 (internal air applicators) and 6-9 (external air applicators), and does not include limitations not present in each of these species. *See* M.P.E.P. § 806.04(d). Similarly, claim 13 is directed towards an internal air applicator, and is generic to the species of Figures 1-4, and claim 22 is directed towards an external air applicator, and is generic to the species of Figures 6-9. Furthermore, claim 36 is directed to a method for placing a series of parts onto a substrate, and the claim is of such a scope that it encompasses the use of the embodiments shown in Figs. 1- 9 and 12-13.


**CONCLUSION**

Applicants respectfully submit that the election Requirement in the Office Action is not proper, and therefore elects the above-identified species and claims with traverse.

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If the Examiner believes that there are issues that remain to be resolved, the Examiner is encouraged to telephone the undersigned Applicants representative to discuss and expeditiously work towards a resolution of those issues.

Respectfully submitted,  
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Dated: June 30, 2003

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